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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"

...His Name Is Aliaxandr Iastremski

The real name of the KGB worker who «morally pressurized» Andrei Zaitsau, a participant of the *Zubr* movement,»using elements of blackmail» was found through the number of the pager the latter had left in his suicide note. It is a young man living at a university hostel in Homiel. His name is Aliaxandr Iastremski.

Andrei Zaitsau committed suicide after meetings with the KGB worker. Andrei's application submitted to the Homiel branch of Belarusian Helsinki Committee before the suicide called the man who had been pressurizing him Aliaxandr Ieustsihnieieu, had the number of the pager and the phone numbers. In fact, it wasn't the real name of the KGB worker, but his «professional pseudonym». However, the numbers were real ones. Andrei Zaitsau died on December 20, on December 21 the so-called Aliaxandr Iastremski annulled his agreement with the pager company and made a new one that changed the number of his pager.

Shklouskia Naviny to Be Liquidated

Shklou Area Court found Aliaxandr Shcharbak, editor-in-chief of the independent newspaper *Shklouskia Naviny,* guilty of violating the Law on the Press and the Code of Administrative Infringements.

On the eve of the election, on September 6, 2001 the police found at Aliaxiei's house 300 copies of the third number of *Shklouskia Naviny*. The law allows only edition of 299 copies without registration. As a result A. Shcharbak was fined 10 minimal salaries (100 000 Belarusian rubles). Besides, on the demand of the area prosecutor the computer equipment used to plan the layout of the newspaper was confiscated. The entire print run of the third number will be destroyed.

Hanna IURCHANKOVA,
Radio Racyja



Since A. Lukashenka came to power, Belarus has turned from one of the most politicized countries of the world into the most policed one. At present President is guarded by more than 120 000 policemen. Aren't there too many of them for less than 10 million population? Aren't there too many «jobless people» for the country's economy?.. Belarusians have grown used to it, but the foreigners are usually surprised, overwhelmed and frightened with the number of policemen in the streets of our cities.

Hold In Awe

In many countries of Western Europe the political censorship disappeared several centuries ago. The principle «I don't like what you say, but I'm ready to lay down my life in order to give you the opportunity to say it», — became a postulate there long time ago. There's quite a different situation in the new democracies and even more different where autocracy is being established...

When in the draft of the new Criminal Code of the Republic of Belarus introduced Articles No. 367 and No. 368 – defamation and insult to the President, human rights activists and independent lawyers called them «political» ones and pointed out that Belarusian courts would soon have more work to do. The Criminal Code was enforced on January 1, 2001. The above Articles started to be applied immediately: this very January brought about a number of cases initiated to investigate «libel» and «insult» to the Head of the State. The first of them was, obviously, against the editor-in-chief of the biggest independent newspaper *Nasha Svaboda* Paviel Zhuk. As far as the notions of «defamation» and «insult» are philological and philosophic notions, being abstract in our conditions, the authorities started to use these Articles against whoever they wanted – politicians and opposition-minded youth, journalists and editions. This practice was flourishing during the electoral campaign, because, unlike in the case of ordinary defamation, a case can be initiated by a prosecutor's office alone without the plaintiff's suit. The trials over these cases have lasted with delays and postponements for a year already, but none of them has finished yet. It means that those Articles still successfully implement one of their functions – to hold in awe the potential «law-breakers».

(Continued on page 2)

Let Others Think...

Homiel Regional Advocatory Board has started the check-up of the advocatory practice of Zmitsier Ivanishka who participated in criminal and administrative trials that had a high profile.

Zmitsier Ivanishka started work as a lawyer in 1998, when he graduated from the law school of Frantsysk Skaryna Homiel State University. Last year he participated in a number of cases that aroused great public attention. For instance, he defended the provost of Homiel Medical Institute U. Raukou at the sitting of the military board of the Supreme Court of the Republic of Belarus that considered the case of bribery at the institute. At the same time, he defended the members of the Belarusian Student Association, detained and beaten while distributing the newspaper *Studentskaia Hazieta* at Homiel State University. He also defended in court M. Chyhir's son Aliaxandr Chyhir.

Now he defends the rights of the young activist of the United Civic Party Natallia Brel (Rechytsa citizen), against whom Prosecutor's office has initiated a criminal case for the ostensible defamation towards Aliaxandr Lukashenka and insult of his honor and dignity.

Besides, he, together with Iury Zaitsau tries to get the law enforcement agencies to initiate a criminal case on the fact of the strange death of the *Zubr* activist Andrei Zaitsau whom a KGB worker had been attempting to make an informer.

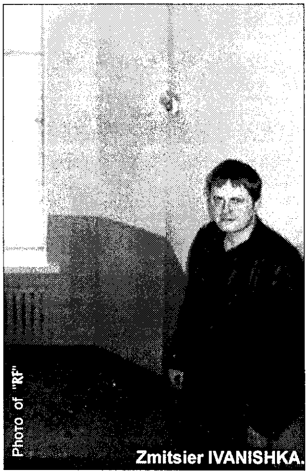


Photo of "RF"

Zmitsier IVANISHKA.

Now Zmitsier can't find any reasons for the check-up of his activity by the regional advocatory board. He only knows that the advocate Tatsiana Skrebnieva is dealing with this on the errand of the board. Though, according to Ivanishka, there were no complaints from his clients, she checks the accounts, agreements with the clients for the advocatory services.

Chairman of the Presidium of the Homiel Regional Advocatory Board Valiantsina Katko refused to comment on this check-up. She stated that it was her right to choose whom to check.

Information Department of PA HRC *Viasna*

Hold In Awe

(continued from page 1)

At the beginning of 2002 the Belarusian Themis seemed to wake up from dormancy. There has been started investigation of a number of cases that were initiated last year, including those connected with the electoral campaign. The law machinery again interrogated members of the *Young Front* and *Zubr* for the stickers that ostensibly contained insults, summonsed the UCP leader Anatol Liabiedzka to the Prosecutor's office for the ostensible libel in one of his articles in the newspaper *Narodnaia Volia*. All in all, last year brough about five cases by the terms of the first and the second parts of Article No. 367: one of them against an individual – Natalia Brel, another for – on the facts of publications in the newspapers *Nasha Svaboda*, *Rabochy*, *Pahonia* and the unregistered *Narodny President*. In 2001 action by the terms of Article 358 was brought against 5 Babruisk and 3 Shklou citizens. There are also criminal cases against groups of individuals: all people who have any relation to the printed production which the prosecution considers to be defamatory or insulting, are summonsed. For instance, in January 2002 a member of the *Young Front* Aliaxiei Kubrakou and *Zubr* activist Aliaxandr Atroshchankau were summonsed to court for these reasons. The criminal cases against the mentioned P. Zhuk, editor-in-chief of the independent newspaper *Rabochy* Viktar Ivashkievich, editor-in-chief of Harodnia newspaper *Pahonia* haven't been stopped yet. By the way, one of the reasons for the liquidation of *Pahonia* newspaper was a warning for «defamation» and «insult»... So, this is the way the Belarusian authorities teach the Belarusian press self-censorship: one can only praise Lukashenka or write nothing about him. Every hint at criticism is... right you are, see Articles No. 367 and No. 368. of the CC RB.

Andrei NALIVA.

Alibi Becomes Doubtful

On January 28 the closed trial over the ex-officer of the special police unit Almaz Valiery Ihnatovich interrogated important witnesses on the case of Zmitisier Zavadski's abduction on July 7, 2000.

For instance, one of the close relatives of Maxim Malik (one of the defendants) was interrogated. Mr. Malik was suddenly brought to take part in the trial from Baranavichy (Bierastsie region). He said that on the eve of the abduction he was talking to Maxim Malik on the phone. The latter said that he was in a hurry as he was going to Miensk on some urgent business to leave Belarus on July 7. This witness makes Malik's alibi doubtful (in their earlier witnesses other relatives stated that he had been in Barysau In the night of July 7). ORT cameraman Zmitsier Zavadski disappeared in the morning on July 7, on his way to the airport, where he was to have met Paviel Sharamiet.

Besides, according to the same witness, in summer 2000 Maxim Malik spoke about his intention to work at the Presidential security instead of his unit.

There is also earlier evidence of Ihnatovich's former friend, ex-worker of special police forces Anatol Kabzar where Ihnatovich's crimes and intentions are thoroughly described. For instance, there is information about Ihnatovich's journey to the Russian city of Bryansk together with Alilaxandr Liavonienka, who at that time was working at the Presidential security (then he was fired and now serves in *Almaz*). In Bryansk they blackmailed a Russian businessman extorting a large sum of money.

According to Kabzar, on arriving to the scene of the crime, Ihnatovich made photos of the surroundings in order to film the possible witnesses. There's also the description of the prepared assault on the Belarusian poet Slavamir Adamovich. However, there's nothing concerning Zavadski's case, as Kabzar had a row with Ihnatovich before July 2000.

After giving evidence, Kabzar was released from custody, but soon applied to Prosecutor's office concerning the threats from some of the suspects such as Liavonienka who was released as well. In some time Kabzar was severely beaten. In April 2001 he suddenly died from an acute infection. At the trial his relatives stated that they were sure he had been murdered and spoke about the threats they face trying to find out the truth about his death.

Information Department of PA HRC *Viasna*, based on information by BelaPAN.

THIRD SECTOR: PROBLEM OF SURVIVAL

PUBLIC CALLS FOR CEASING PRESSURE ON NGOs

Representatives of twenty public organizations took part in the round-table discussion *Collective Defense of Non-Governmental Organizations*, held on the initiative of the Assembly of democratic organizations of Belarus. Representatives of public organizations, advocates, lawyers, human rights activists and journalists discussed the cases of persecution of public organizations and exchanged ideas about the possible mechanism of the collective defense. The adopted statement expressed the round-table participants' demands, for instance, to stop or restore the activity of the Committee on Registration and Re-registration that has been blocking registration of new public organizations for six months already. At present the Committee is actually not working, and without its decision it is impossible to register Republican public associations. So, the constitutional right of citizens to reate unions and participate in them is violated and the development of the country's public sector is stalled.

In reality, for the last half of the year several dozens of groups of citizens applied to the Ministry of Justice concerning registration of new public associations and are still waiting for an affirmative or negative answer. Regretfully, none of them want to protest in court the violation of the terms in which their applications are to be considered. All applicants hope that soon the question of their registration will be solved. However, it is unlikely to happen as the mentioned committee with the notorious Uladzimir Zamiatalin at the head didn't stop its activity.

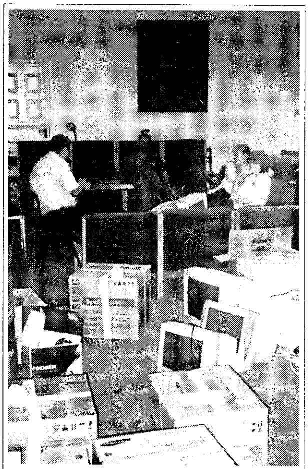
The thing is that in our society every activity conducted independently from the authorities is automatically treated as a political and anti-State one. That's why the authorities fear new organizations will emerge – they have enough trouble with the already existing ones. That's why the system of strict control over the activity of the public organizations, especially those apparently independent from the State, is established. One of the key elements of this system is the practice of refusals to register those organizations that are most dangerous for the authorities. Such refusals can be formally grounded, but the real reason for it is unwillingness to institutionalize certain organization. For instance, the *Young Front* has several times already submitted the documents for registration. The official responsible for registration formalities usually passed the application to his inferiors with the words: «Deny registration. Seek the reason yourself». So, there appears a peculiar filter that cuts off a considerable part of organizations from the legal activity. It is obvious that this situation pushes politically-natured organizations to street fighting and radicalism.

The life of unregistered organizations is hard. As they are not legal persons, they have no possibility to purchase property and have bank accounts. Besides, having no registered status may be penalized by the terms of Article No. 167.10 of the Code of Administrative Infringements. This article was introduced in 1999, after the Presidential Decree all public associations started to be re-registered. This article provides responsibility for activity on behalf of an unregistered (including those who failed to secure re-registration or were denied registration) organizations - a fine up to 100 minimal salaries or imprisonment up to 15 days. The State can declare re-registration at any moment and paralyze the public and political life of the country (organizations needs at least one month to go through this procedure). The introduction of this Article was obviously aimed at struggling against the public associations that are independent from the State. Maybe, the legislation of Poland in the times of Sanation can serve as the only case of analogous law provisions: for activity in illegal organizations (for instance, Communistic Party of the Western Belarus), one could be even punished by death.

Though widespread, the usage of this article didn't affect all unregistered groups. It can be explained by the fact that the really radical groups that aim to overthrow the incumbent regime, act clandestinely practicing conspiracy and anonymity of the leaders, absence of public statements – that's why no they face no charges.

Another important thing – according to Article No. 5 of the Law on the Press the mass media are prohibited to publish information on behalf of unregistered organizations. Those who disobey risk receiving a warning from the Ministry of Information of the Republic of Belarus. It is enough for an edition to receive two such warnings during a year to be closed through a court decision. Most often the media are warned for spreading of information on behalf of unregistered public associations. For instance, one of the reasons why the Horadnia newspaper *Pahonia* was liquidated was such «violations», *Pahonia* editor Mikola Markievich and its journalist Paviel Mazheika spoke about it at the round-table.

(continued on page 5)



In the archive photos – confiscation of equipment of the Horadnia public association Ratusha on the eve of the Presidential election in 2001.



STATEMENT

OF THE PARTICIPANTS
OF THE ROUND-TABLE
COLLECTIVE DEFENSE OF NON-GOVERNMENTAL ORGANIZATIONS

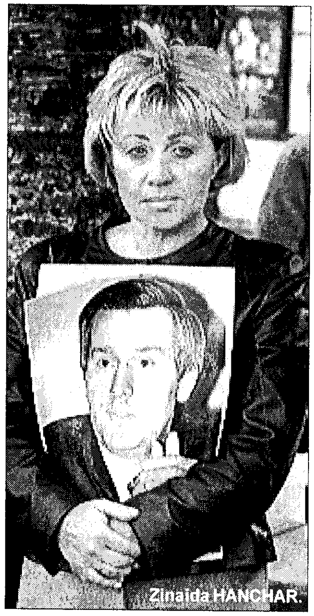
The round table *Collective Defense of Non-Governmental Organizations* discussed the situation with the non-registration of public organizations by the relevant bodies of the Republic of Belarus and arrived at the conclusion that in the conditions of administrative and criminal persecution of the unregistered associations, the Committee's failure to perform its duties of registration and re-registration hinders registration of new organizations which stalls the development of the public sector in Belarus.

The round table *Collective Defense of Non-State Organizations* condemns this practice and demands the removal of the obstacles to registration of new public organizations.

Miensk,
January 19, 2002

SILENCE...

On January 29 Zinaida Hanchar, wife of the well-known Belarusian politician Victar Hanchar, kidnapped in September 1999. She prepared open letters to the president of the Republic of Belarus Aliaxandr Lukashenka and the president of the Russian Federation Vladimir Putin and gave them for publication.



Zinaida HANCHAR.

......AS CONFESSION OF GUILT...

To President
of the Republic of Belarus
Aliaxandr Lukashenka

Dear Mr. Lukashenka!

On January 14, 2002 you heard the report of Uladzimir Navumau, Minister of Internal Affairs. The State TV commented on it as a report about the investigation of cases of great public interest. However, this report did not mention your main political opponent Victar Hanchar. The State bodies and officials have been keeping silent for two years and a half already. Are you and your creatures still afraid to pronounce his name? Do you want people to forget about him? There is no hope of it! I will never forget! Neither will the people whose hopes for the revival of the country's political life were connected with Victar's activity.

You understood long ago who posed a threat to your craving for power. That's why in 1996 law enforcers machine-gunned Hanchar's car. That's why the same year you removed him from the Central Electoral Commission with your anticonstitutional decree and your guards forcing him out of his office. That's why in 1999 your court, grossly violating the very notion of justice, put Hanchar behind bolt and bar. There he was tortured to exhnaustion and then thrown out of the car into a snowdrift far from his house. You didn't manage to intimidate him, though! You understood that you couldn't win an open victory over my husband, that's why he was kidnapped.

Actually, in your speeches you don't deny the State officials' involvement in this crime. You even boldly admit that you bear full responsibility for everything that happens in the country, being its President. If so, let's bear it to the very end. I demand you to answer three questions:

1. Were KGB Head V. Matskievich and Prosecutor General A. Bazhelka dismissed from their positions because they determined the relation of the State officials to the abduction of Victar Hanchar?

2. Why do you appoint Victar Sheiman Prosecutor General after his surname appears in the documents, elucidating the abduction of my husband?

3. Why have you ordered to release Z. Paulichenka who is accused of the abduction and possible murder of Victar Hanchar in the published documents?

I intend to receive comprehensive and truthful answers within the legally established terms.

Hanchar
Zinaida Aliaxandrauna

...AS STIMULATION OF NEW CRIMES

To President
of the Russian Federation
Mr. V.V. Putin
From Hanchar Z.A.

Dear Mr. Putin!

I have to apply to You again as, strangely enough, I haven't received any answer to my last appeal of November 26, 2001.

It makes me sorry to understand that You find it possible not to react to the events that take place in the Union. You can't but know what crimes are being committed on the territory of the Republic of Belarus. At the same time, You keep silent and demonstrate support for Lukashenka's regime.

The leading Russian politicians are constantly criticizing the authorities of the Baltic countries for the ostensible pressure on the Russian minority living there. They attribute this involvement to their care for the fate of their compatriots. I am also Russian, my son and I were born in Russia, my mother is a citizen of the Russian Federation. Why is the Russian political elite not concerned with the fate of my family? The Belarusian authorities understand this silence as stimulation of new crimes.

You can't but know that my husband, Victar Hachar, who was a leading politician at the time of his abduction, was acting Chairman of the Supreme Soviet of the Republic of Belarus. Before that he had been vice-speaker of the Belarusian government, one of the Heads of the CIS Economic Court, Chairman of the Central Electoral Commission of the Republic of Belarus and also (on the governmental comission) headed a special commission dealing with the legal evaluation of the violations of the Constitution and laws of the Republic of Belarus committed by President of the Republic of Belarus Aliaxandr Lukashenka.

Two years and a half has passed since he was kidnapped, but neither the public nor I know anything about his fate. The official ivestigators fold their hands and keep silence. Can there be any other way if Lukashenka appoints to the post of Prosecutor General Victar Sheiman whose name is mentioned in the documents throwing light to people's disappearance. By the way, law enforcement agents don't refuse to acknowledge the authenticity of the documents.

Dear Vladimir Vladimirovich! I ask You to use your influence and opportunities to expedite the Belarusian law enforcement to disclose the abduction of my husband and punish the culprits, irrespective of their official positions.

Faithfully yours

Zinaida Aliaxandrauna
Hanchar.

Third Sector: Problem of Survival

(continued on page 3)

The problems of the regional democratic press are similar to those of the regional NGOs – this is the opinion of the newspapers *Kutsieina* (Orsha) and *Volny Horad* (Krychau).

Of course, representatives of the third sector try to find side-tracks in order to avoid the issue of registration. For instance, they can act as a public initiative – association within already registered organizations for pursuing common objectives. This very form was chosen this summer to monitor the violations of the electoral legislation during the Presidential election – *Independent Monitoring* was working as a joint initiative of the registered bodies. At least, in spite of the numerous threats, there were no cases of courts considering the public initiative as «an organization» with the ensuing administrative responsibility for its participants. This form of activity was almost flawless from the legal point of view – the authorities pressurized volunteers and the founder-organizations. This experience can be used in future, but it can't solve all the problems of the third sector in Belarus.



The Young Front and Zubr are the biggest unregistered youth organizations in Belarus, If any mass media mention them in any context it can be warned by the Ministry of information of the Republic of Belarus. A second warning can lead to the liquidation of the former...



Even those public organizations that were lucky enough to receive the State registration are pressurized. The notorious Decree No. 8 limits the usage of foreign aid by organizations. It was the formal reason for the numerous searches at the offices of public organizations and confiscation of computer equipment. That's how the State makes even the registered organizations hide the received material means.

Barys Zvoskau, Head of the public association *Legal Initiative,* drew attention of the round-table to one more attempt to sour the legal work with grants – the changes in the tax legislation, enforced on January 1, 2002. According to the new order, now tax privileges concern only the financial aid received from the Belarusian sources, there are no more privileges for the foreign funding. Another effective means of pressure on the registered organizations is the threat of warnings which, in their turn, can lead to the deprival of registration. Often formal grounds are used to issue such warnings. For instance, one of the warnings that resulted in the liquidation of the Belarusian Student Association was made for the mistakes on the organization blank. There's no doubt that these mistakes could be corrected without any warnings. Liquidation of the public association for such reasons is legal nonsense, violation of the very notion of law. The authorities must use formal reasons to force organizations into changing their activities. At the round-table participants proposed different ways to establish the system of juridical assistance that could protect public organizations of Belarus from persecution. It was decided to create the Juridical group that would work out the conception of the collective defense of NGOs from persecution.

Uladzimir Labkovich, Barys Zvoskau, Aliena Tankachova, Iury Chavusau and Lieanid Sudalienka stated their eagerness to participate in the Working Group. At the first sitting of the Working Group to take place on January 25, 2002 it is intended to work out its strategy and tactics.

We hope that this group will be effective enough to solve the juridical problems of the numerous NGOs of the country.

Iury ARLOUSKI.

Order Executed

On January 25 Homiel Chyhunachny District Court found Chairman of the Homiel regional public association *Public Initiatives* Victar Karnienka guilty of having violated the third part of Article No. 4, Decree No. 8 *On Certain Measures to Development the Order of Receiving and Using Foreign Gratis Aid.*

Judge Hanna Novik found Mr. Karnienka guilty of having used computer equipment to preparation for the Presidential election". In her ruling she decided that five computers and two printers that belonged to *Public Initiatives* and weren't humanitarian aid should be confiscated. She violated the legal formalities and fined the accused one million rubles.

It's worth mentioning that on August 13 Homiel Regional KGB Board workers confiscated all these items in Karnienka's private house.

Away From Dictate

According to the information of Mikhail Miasnikovich, the new president of the National Academy of Sciences of the Republic of Belarus, more than 400 Belarusian scientists have left the country for the last five years; about 200 of them were doctors, about 60 – habilitated doctors.

At his press conference on January 23 M. Miasnikovch also said the following: "Some of them went abroad on contracts, others – on grants, many of them – for good". The reason is not only the ridiculous amount of the scientists' salaries, but also the political situation in the country.

Juridical Paradox

Mahiliou court considered the suit of Aliaxandr Karaliou, Chairman of the independent trade union of *Zenith* factory, against the policemen from Mahiliou Central District Board of Internal Affairs. A. Karaliou demanded from them to return him several T-shirts with the inscription «Say «No» to the fool!». The policemen had taken them from the factory cloakroom. They explained to Judge Halina Kuzhaliova, that these T-shirts could have been possibly used for agitation during the electoral campaign and therefore couldn't be personal belongings of the trade union leader.

Aliaxandr Karaliou stated that the T-shirts were gifted to him by the journalist Uladzimir Laptsevich who is now a political emigrant. Four people witnessed that fact. A. Karaliou demanded from the court to acknowledge his right of property and make the policemen return the T-shirts or, at least, their cost – 700 000 rubles. After the long consideration the judge pronounced her verdict: to return only the bag where the T-shirts were lying. So, the court acknowledged the right of the plaintiff for the bag – except for the things that were kept inside it...

EVENTS FACTS COMMENTS

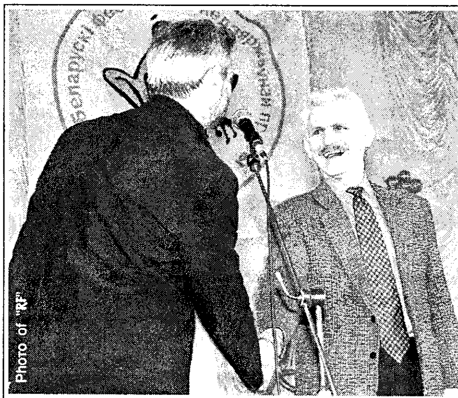
On January 17 the President of the Republic of Poland Alexander Kwasniewski met with the President of the Russian Federation Vladimir Putin and passed him the letter from Belarusian women – the wives of those oppositional politicians who have disappeared. At the press conference A. Kwasniewski expressed his hope that Putin, using his influence, would «puzzle out the question». He also said that he had talked to Putin about the relations with Belarus and the attitude to the Belarusian opposition. According to him, this question worries the Russian President very much. «Belarus remains an important partner for Russia, but Putin perceives President Lukashenka as a difficult partner», — explained Kwasniewski.

On January 17 the criminal case by Article No. 367 (defamation of the President of the Republic of Belarus in public speech, printed or publicly demonstrated artwork or mass media) against Rechytsa citizen ***Natallia Brel*** was initiated. Defense Counsel Zmitsier Ivanishka said that "Aliaxandr Lukashenka was recognized as a victim in this case. As long as this is a criminal case about defamation, the victim's attitude to it is very important and is given much attention to when the judge makes verdict. That's why the victim must be present at the trial. In this very case the victim will be most probably represented by a member of the Presidential administration... Now we know only one thing – the case will be sent to court and considered there in about a month".

On January 18 Orsha City Court held a regular sitting to consider the cassation complaint about the confiscation of the computers where the only independent newspaper in the city, *Kutsieina*, had been done. The computers were confiscated in October 2001 following the verdict of the same court, passed by Judge Aliena Dziamieshchanka in absence of the editor-in-chief ***Viktar Andreieu***. As a result of Andreieu's complaint the Vitsiebsk Regional Prosecutor's office, Court and Justice Board set the judgment aside and demanded the reconsideration of the case. On January 9 there was the first sitting, at which Judge Anzhelika Kazlova interrogated V. Andreieu and his witnesses. V. Andreieu said that at the end of 2001 the local authorities deprived him of the license of a businessman after he had registered an independent newspaper using this statute. Further consideration of the case was suspended because of absence of the investigator Uladzimir Burski and postponed to January 18. U. Burski didn't come to the court on January 18, either. The judge said that the consideration couldn't be continued without his witness and appointed the new sitting on February 12 expressing her will to take measures for forcible delivery of V. Burski to court.

On January 26 the Russian PEN-center expressed its anxiety over the fate of the editor of the Belarusian non-State newspaper *Pahonia* ***Mikalai Markievich*** and the journalist ***Paviel Mazheika***. *Pahonia* was closed down by the decision of the Supreme Economic Court in Belarus in November 2001. The reason was that the newspaper had published a number of articles that, according to the workers of Prosecutor's office, contained libel on President Lukashenka. A criminal case was initiated against Mikalai Markievich and Paviel Mazheika. The well-known Russian writers, Heads of PEN-center Andrey Bitov, Andrey Voznesenskiy, Fazil Iskander, Lev Timofeev, Felix Svetov, Yunna Morits and Alexandr Tkachenko applied to the Belarusian President with an open letter. "We think that in this case the liberty of expression guaranteed by Article No. 19 of the Universal Declaration of Human Rights was violated, and they (Markievich and Mazheika) are persecuted for their professional activity", – was written in the letter. The writers called on A. Lukashenka to act as a guarantor of the Constitution and Declaration of Human Rights, to "use his powers to annul the court ruling concerning the *Pahonia* newspaper and stop the persecution of the journalists M. Markievich and P. Mazheika".

On January 24 Ambassador Hans-Georg Wieck, ex-Head of OSCE Advisory-Monitoring Group to Belarus, was denied a visa to Belarus. In accordance with the statement of press-secretary of Belarusian Ministry of Foreign Affairs Paviel Latushka to the *Interfax* agency, Belarusian authorities refused to issue a visa to Hans-Heorg Wieck. "MFA doesn't comment on issue of visas or refusals to foreigners following the international practice", — said



On January 18 *the Belarusian Association of Journalists held the festival of the independent press to decide on the best periodicals of the last year. Chairman of PA HRC Viasna Alies Bialiatski passed a gift to the artist and journluast Alieh Karpovich for the organization, elucidation and participation in the exhibition «Prohibited by Censorship».*

Latushka. Ex-Head of OSCE Advisory-Monitoring Group in Belarus, who lives in Berlin, intended to take part in the first sitting of the international monitoring council of Center of European and Trans-Atlantic investigations at the European Humanitarian University that to be held in Miensk on January 25-26. This Center was established with the assistance of one of OSCE bodies, the European Commission and the Office for Democratic Institutions and Human Rights. In his statement to the press the Ambassador expressed his regret about such activities of the Belarusian authorities. He wasn't given the possibility to assist the development of the Center of European investigations, one of the few independent institutions in Miensk, through which Belarusian scientists could establish cooperation with their colleagues from the neighboring countries, Member States of the European Union and Northern America. "The refusal to issue visas coincided with a number of other negative decisions of the Belarusian officials concerning the development of relations between the country and European institutions", — stated Hans-Georg Wieck.

On January 25 member of the *Young Front* Aliaxiei Kubrakou was summoned to the Prosecutor's Office by the investigator on the cases of high importance U. Shrubok. The reason was the administrative reports composed on Aliaxiei on August 30, 2001 for the violation of the first part of Article No. 143 – posting of stickers. The investigator only asked Aliaxiei who had given him the stickers. The latter answered that he didn't remember and went away after the interrogation report was drawn up. In September 2001 Miensk City Prosecutor's Office initiated a criminal case by the terms of Article No. 367 of the Criminal Code of the Republic of Belarus (CC RB) – libel on President, for the mass distribution of the printed production in July – September 2001. Now the members of youth organizations who had been detained during the electoral campaign for the distribution of the printed editions are summonsed to the Prosecutor's offices as witnesses. One of them was Aliaxiei Kubrakou.

On January 25 at the conclusive sitting of the Ministry Internal Affairs Minister Uladzimir Navumau said that in 2001 in Belarus 400 heads of enterprizes and organizations had been punished for violations of the Criminal Code. According to him, the results of the ministry's work in this field are "encouraging".

On January 25 the term of L. Kaluhin's arrest was prolonged to four months. Ex-director General of the biggest Belarusian enterprise was detained at the end of 2001 and is still kept in the *Navink* clinical mental hospital. Last week L. Kaluhin was charged with the violation of three Articles of CC RB: malfeasance in office, bribery and negligence.

On January 28 more than fifty activists of the *Zubr* movement came to the KGB building in Miensk and stood in a line in front of it, holding candles in their hands. In such a way they commemorated the 40^{th} day after the death the *Zubr* Homiel activist Andrei Zaitsau, who committed sui-

cide under KGB pressure.. In ten minutes after the beginning of the action two KGB officers came up to its participants and demanded to show the permission of the Miensk City Executive Committee for holding of the «meeting». However, when *Zubr* members asked the KGB workers to tell their names, the latter ones gave up their demands and returned to their building. The picket lasted for about half an hour. The *Zubr* activists were holding this action outside the KGB building in order to show that they had not forgotten their friend and remembered who was to blame for his death. «There will some time when the persons guilty are punished», — said the action participants.

On January 30 Miensk Regional Court found illegal the resolution of the whole-town meeting in Salihorsk of January 11 concerning the precautionary strike on February 1 and the decision about its holding at the industrial enterprise «Belaruskali» and demanded the immediate compliance with its decision. According to Lieanid Zaitsau, Chairman of the trade union of the enterprise, the strike committee of «Belaruskali» intended to stop the work of the enterprise for five minutes. The trade union of agriculture workers decided to support the action.

At the end of January teachers of Babruisk secondary school No. 8 sent a telegram to the government and personally to Aliaxandr Lukashenka. In the telegram they expressed their readiness to more decisive action provided the delayed wages situation remained the same.

On January 31 workers of workshop No. 2 of Bierastsie factory of household chemical goods held a spontaneous strike. They expressed their indignation at the low salaries, delayed salaries for December and the introduction of the third (night) shift. The workshop head led three female activists of the strike to one of the Heads of the enterprise, Zhudzikau, posing threats all the way there. The latter also began his talk with the strikers shouting: «The President prohibited strikes!» and ended it with the words: «The question of your salaries is solved in Moscow» (at present Bierastsie factory of household chemical goods is the property of the Russian Federation). In an hour the strikers dispersed having decided not to come to work in the third shift and wait for the answer to their letter demanding increased salaries, which was signed by 70 workers of the workshop.

Seeking Truth At Courts

Persecution of activists of the electoral campaign is going on

Courts continue to actively consider the cases against activists of the electoral campaign of 2001. In Mahiliou the administrative committee will reconsider the case of Paviel Marozau, who was fined 5 minimal salaries at the beginning of September. Uladzimir Shantsau, Head of Mahiliou regional branch of Lieu Sapieha Foundation, appeals against the verdict of the district court that had fined him 100 minimal salaries for the violation of Decree No. 8.

Paviel Marozau, an activist of the support group of the presidential candidate Uladzimir Hancharyk, was fined 5 minimal salaries by the decision of Mahiliou district administrative commission, being found guilty of distribution of the printed production, issued with violations of the established order. Everything began with a conflict at the left-luggage office of a shop. As a response to the client's complaints, the administration called a policeman who ostensibly witnessed small disorderly conduct. Paviel Marozau and his personal belongings were searched. The police found stickers and fly-sheets in support of the democratic presidential candidate.

The agitation materials were confiscated and their owner was fined. Neither Marozau, nor members of PA HRC *Viasna* agreed to this. As a result of reconsideration of Marozau's case at Mahiliou Lieninski District Court, his case was sent back to to the administrative committee.

The trial at Mahiliou Regional Court on January 14 denied claims of the *Viasna* lawyers. Secretary of the administrative committee wasn't punished for the incompetent decision, there wasn't any compensation of the moral damage done to the plaintiff, the confiscated materials weren't returned, either. The court only confirmed the decision of Mahiliou Lieninski Court. However, the lawyers decided to make one more attempt and appeal directly to Chairman of Mahiliou Regional Court.

On January 15 defense counsels of Uladzimir Shantsau, Head of Mahiliou regional branch of Lieu Sapieha Foundation and Mahiliou UCP branch, appealed to the regional court as well. On September 6 the financial police had confiscated all the computer equipment at the Foundation office, and ostensibly found information about the election in two months and a half after the confiscation.

As a result Uladzimir Shantsau was charged with the violation of Decree No. 8. On the first working day of 2002 he was found guilty of using the foreign humanitarian aid for elections and, hence, was confiscated the equipment and fined 100 minimal salaries.

Uladzimir Shantsau considers this verdict to be illegal and refers to a great number of violations at all stages of the case. He states that the law enforcement agencies didn't fulfill a single procedure without a violation. All the violations are thoroughly described in the documents, submitted to the regional court that is to consider the complaint in the near future.

Information Department of PA HRC *Viasna*, on the base of information of Radio Racyja.

Grave and Grim Life of Prisoners

Bierastsie regional branch of PA HRC Viasna has conducted an anonymous poll among prisoners concerning the living conditions at Bierastsie Lieninski DBIA Remand Prison.

As one may conclude from the received answers, the prisoners are fed there twice a day. For breakfast they receive mush (there was pearl-barley mush on January 11, 2002), 200 grams of bread and 150 milliliters of sugared tea, for dinner – 200 milliliters of soup (there was pea-soup on January 11), 150 grams of mush (on January 11 it was boiled buckwheat) and 200 grams of bread. Often there is a shortage of food, especially vitamins, everything is sometimes served cold. Prisoners eat from plates with spoons (they don't receive forks).

The only one sanitary facility the isolator provides is soap One can receive towel, toothbrush, toothpaste, toilet paper and underwear only in parcels from friends and relatives, if there are any.

Political prisoners are allowed to shave and wash themselves in a separate bathroom, where one is escorted by a guard. Usually on-duty policemen wash there, non-political prisoners aren't admitted there.

The lavatory pan is in the cell – its is not fenced. Prisoners sleep on boards in their clothes. There are no mattresses, pillows or coverlets. Usually they are not taken out for walks, but one can request an hour walk. The prison workers don't allow non-political prisoners to write letters or notes to relatives, but there's a possibility to pass a note illegally. It isn't allowed to phone either.

Prisoners also have to pay for their custody in the remand prison – 1 000 rubles a day.

The prison workers don't tell non-political prisoners about their rights on their arrival. Prisoners can have newspapers, books, cigarettes, matches, tooth and hairbrushes. It is prohibited for them to have watches, knives and pens.

The cell is as grim as a grave: dirty walls, cobweb and gnats. The cell is not disinfected. There are also people ill with tuberculosis there.

Information Department of PA HRC *Viasna*.

Emulate Belarus!

Subjective view from Miensk of some Moscow events

When in spring 2000 the Russian authorities liquidated NTV, the only TV-channel over which they had no control – many Belarusian journalists rebelled: how nanve they are, why don't they defend themselves and for what do they hope? I urgently went to Moscow in order to receive answers to these and other questions and to see myself HOW IT WAS. After two days there I got absolutely convinced that nobody wants to learn from others' mistakes and everybody finds it better to make their own ones and pet the same illusions. «Cool NTV workers» smiled at my statements that Putin was copying Lukashenka's techniques and pieces of advice concerning the ways of resistance. Kiselyov (as our S. Sharetski in 1996) came to the picketing citizens and demanded they fold the posters of support in order not to provoke the police and simply go home. He said that NTV could solve its problems with their own hands. After several days of vigil outside the Ostankino TV-tower NTV authorities also went home, the orders of foreign correspondents were annulled... Then special police forces quietly seized the 6th floor of Ostankino, which only confirmed my thoughts.

Now TV-6 has been closed down and Kiselyov's crew has nothing else to do but join the line of those competing for the right to work on the TV frequency earlier held by TV-6. Now there are neither populous meetings, nor flags in the window of the «cradle of democracy». The Rubicon has been crossed and the wave of the State violence can't be stopped. In our country it began in 1995 with surrender of the socialist Asinski and his *Sovetskaya Belorussiya*. Having allowed to liduidate the «purse-proud» Kiselyov and Co., the Russian democrats actually provoked repression against the other independent media. In our country these were *Respublika*, *Znamya Yunosti*, *Narodnaia Hazieta*, in Russia TV-6 can be followed by the radio station *Echo Moskvy*, *Novye Izvestiya*... Probably, the authorities will leave the *Kommersant* newspaper for disguise (in Belarus it is *Byelorusskaya Delovaya Gazieta*" that serves this purpose).

It seems that the differences in the political and economic regime of our countries don't prevent Russia from pursuing the same goals with Lukashenka.

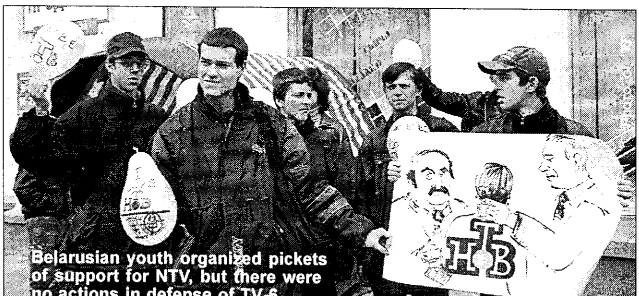
Putin's attitude to the liberty of speech is only a most evident and eloquent example of his "learning" from the Belarusian authorities the new treatment of citizens and their rights. If one watches the events attentively, there's no surprise that many events in our countries develop according one scenario.

Here we should mention how Putin came to power, his tough statements that the country has developed in the wrong way for the last ten years, hints at the corrupted officials... It is almost Lukashenka's anti-corruption report. The only difference is that Alilaxandr Lukashenka was lucky enough not to have Chechnya as a part of his country and demonstrated his bellicosity with senseless threats to the West, NATO and the pro-Western, «vendible» opposition activists. Having come to power both of them stated that they weren't going to make any radical changes and revolution wasn't their way. At first Lukashenka left members of Kiebich's crew (Zamiatalin, Miasnikovich, Posakhau) in his Administration. Putin left Voloshin and Yeltsin's ministers. The younger generation of civil servants who didn't have all prizes of life yet, were striving for power. As a result in some time the "Mahiliou clan" came to power in our country, in Russia these were «St. Petersburg security workers». Functionaries of the Communist party retained only some honorable positions (Malafieieu – at the House of Representatives, Stroyev – as governor). Both Putin and Lukashenka try to get as many adherents as possible and know whom they can use for this – elderly people with communistic and imperialistic views. It is enough to use certain rhetoric and symbols. In Russia the red flag coexists with the official one, having the status of the «Victory Flag», Alexander's anthem with the words by Nikita Mikhalkov – with the double-headed eagle. There's the Soviet red-green flag over Belarus, and the new text is being prepared for the music of the old hymn. Both presidents sfdgsfdgdf sdsd Soviet Union. Take notice, that in general the neighbor countries leaders, as well as ours, are indifferent to the Communistic party and other ones, united around these ideas. They use every political association for their purposes at the convenient moments and then ignore the latter ones because of «uselessness». Here you can recollect how Lukashenka conducted his first referendum with the support of the «red» majority in the Parliament, or how Putin divided the key seats, giving nothing to the right-wing parties. When adopting the Land Code of the Russian Federation, Putin left the «reds» and the right-wing felt as winners. The situation with our communists and democrats was even simpler. The former ones were divided into the «real» and «fake» ones (the Communist Party of Belarus and Party of Belarusian Communists), the latter – simply bullied off the political stage, picking their program policies (liberalization, privatization, amnesty of financial means).

However, in spite of his autocracy and the wish to please the «reds», Putin tries to develop market economy and relations with the developed countries. That's why his attempts to tame youth are more fruitful than Lukashenka's attempts to unite young people into the Belarusian Patriotic Union of Youth. This is one of the reasons why the present regime in Russia can last longer than Lukashenka's, but the attempt to build the market economy in the conditions of autocracy will hardly raise Russia from knees.

In this case Putin will have to use the experience of Belarus, prolong the term of his presidency, amend the Constitution (in Moscow such proposals may already be heard) and, of course, look for enemies, first of all inside the country. The present criticism of Voloshin, Ministry of Emergency Situations, Ministry of Communications (the latter one even coincided with the arrests of administration of the Belarusian railway) will soon seem harmless. Even now courts of our eastern neighbor know WHICH verdicts they are expected to pronounce, and in future... In some time Russians may only recollect the really democratic elections (people start to compare Veshnyakov and Iarmoshyna). The local authorities will suppress the rare outbursts of dissatisfaction. The army will swear allegiance to the Russian president with the blessing of the orthodox church. Do you want this, dear Russian citizens? So, you've chosen the right way. Emulate Belarus!

Vadzim DOUNAR.



Belarusian youth organized pickets of support for NTV, but there were no actions in defense of TV-6.

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